

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-6, 11-12, 17, 21-22, 24-25, 27, 31, 33-36, 42 and 47-59 are pending, with claims 1-6, 11-12, 21-22, 25, 31, 33-36, 42 and 47-59 amended, and claims 7-10, 13-16, 18-20, 23, 26, 28-30, 32, 37-41, 43-46 and 60-70 cancelled without prejudice or disclaimer by the present amendment. Claims 1, 31 and 50 are independent.

In the Official Action, claims 1-68 were objected to; claims 31-49 were rejected under 35 U.S.C. § 101; claims 1-17, 21-38, 40-59 and 69-70 were rejected under 35 U.S.C. § 102(e) as being anticipated by Chung (U.S. Patent Pub. No. 2003/0086690); claims 18-20 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung and Kelts (U.S. Patent Pub. No. 2001/0030667); claim 39 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Chung and Kanazawa (U.S. Patent No. 6,580,870); and claims 60-68 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Kanazawa and Chung.

Claims 1, 31 and 50 are amended in response to the current objection. Claims 31, 33-36, 42 and 47-49 are amended in response to the current rejection under 35 U.S.C. § 101. Independent claims 1, 31 and 50 are amended to more clearly describe and distinctly claim applicant's invention. Dependent claims 2-6, 11-12, 21-22, 25, 33-36, 42, 47-49 and 51-59 are further amended to maintain antecedent support and to more clearly describe and distinctly claim applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added.

Briefly recapitulating, amended claim 1 is directed to

A method for setting a playback environment for a recording medium, the method comprising:

determining availability of additional contents associated with audio/video (A/V) data recorded on the recording medium, *based on control data* recorded on the recording medium or received through a communication network from an external server, *said control data comprising system environment elements used for the additional contents*;

storing the additional contents in a temporary storage area *as a result of determining step*; and

reproducing the A/V data and the additional contents loaded in the temporary storage area according to the control data.

Chung describes a method of reproducing data from an interactive optical storage medium in a reproducing apparatus having a memory. The method includes: reading a control information file having control information to form an interactive screen and preload font information from the interactive optical storage medium; reading a data file of the interactive screen; reading a preload file when a preload command is included in the data file of the interactive screen and preloading the fonts, which are defined by the preload file representing displayable language of the interactive screen into the memory of the reproducing apparatus; outputting the interactive screen in one of the preloaded fonts according to the data file of the interactive screen; and synthesizing an A/V data screen in which A/V data is reproduced, with the interactive screen in the one of the preloaded fonts.

Referring to FIGS. 5 through 7 and 11A of Chung, in operation 1110, a file DVD_ENAV.IFO having control information for constituting an initial interactive screen is read from the interactive optical storage medium. *In operation 1120, it is checked whether the basic fonts to be initially loaded are included in the control information file.* In operation 1121, the

basic fonts are loaded into the third memory 960 of FIG. 9 when the basic fonts to be initially loaded *are included* in the control information file. In operation 1130, the data file of the defined interactive screen is read when the basic fonts to be initially loaded *are not included* in the control information file in step 1120 and after operation 1121.

Apart from describing font data within the file DVD_ENAV.IFO having control information, Chung is silent about what information may be included as “additional information.” In rejecting original claim 28, the Official Action cited paragraph [0062] of Chung. This paragraph describes that data files composing an interactive data screen are included in the interactive data directory 510. Chung notes that the data files comprising the interactive data screen are written in an HTML language and there are output screens (interactive data screens) A, B, and C. Further, Chung notes that a seamless reproduction is simultaneously performed on the output screens A and B including an A/V data reproduction picture, and the output screen C is selected by a user or according to a system.

However, Chung does not disclose or suggest a) *determining* availability of additional contents associated with audio/video (A/V) data recorded on the recording medium, *based on control data* recorded on the recording medium or received through a communication network from an external server, *said control data comprising system environment elements used for the additional contents*; or b) *storing* the additional contents in a temporary storage area *as a result of determining step*.

Accordingly, Chung also does not disclose or suggest a) an enhanced player engine configured to reproduce additional contents based on a system environment elements recorded on the medium or received through a communication network from an external server, *the system*

environment elements being used for the additional contents; and b) a controller configured to *control* the A/V player engine and the enhanced player engine to reproduce *in synchronization with the A/V data and the associated additional contents*, as recited in amended independent claim 50.

Chung also does not disclose or suggest the computer-readable recording medium of amended independent claim 31.

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Chung does not disclose or suggest all of the features recited in claims 1, 31 and 50, Chung does not anticipate the invention recited in claims 1, 31 and 50, and all claims depending therefrom.

Applicant has considered the remaining applied references and submits that the remaining references do not cure the deficiencies of Chung. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 31 and 50, Applicant submits the inventions defined by claims 1, 31 and 50, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

¹ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

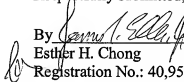
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application; the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 3, 2008

Respectfully submitted,

By  #39,538 ✓
Esther H. Chong
Registration No.: 40,953
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant